Supreme Court, U.S.
FILED
DEC 4 1985
JOSEPH F. SPANIOL,
CLERK

No. 85-645

IN THE

Supreme Court of the United States

October Term 1985

LAW & TECHNOLOGY PRESS,

Petitioner,

vs.

DAVID L. LADD, REGISTER OF COPYRIGHTS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI

MICHAEL D. SCOTT
1112 Ocean Drive, Suite 101
Manhattan Beach, California 90266
(213) 372-1678

Attorney for Petitioner,
Law & Technology Press

TABLE OF CONTENTS

Plaintiff's requested findings of fact SA1

Conclusions of law SA3

Judgment SA4

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

DAVID L. LADD,
Register of Copyrights,
United States Copyright Office,

Plaintiff,

v.

LAW & TECHNOLOGY PRESS
1112 Ocean Drive #201
Manhattan Beach, California 90266

Defendant.

PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS AND CONCLUSIONS OF LAW

FILED
FEB 27, 1984

PLAINTIFF'S REQUESTED FINDINGS OF FACT

1. This is an action under 17 U.S.C. § 407(d) (1976) to recover penalties for the failure of defendant, Law & Technology Press, to deposit two copies of the best edition of nine issues of *The Scott Report* within three months after it received a written demand for such deposit from the Register of Copyrights. This court has jurisdiction under 28 U.S.C. § 1345 and 17 U.S.C. § 407.

2. Plaintiff is David L. Ladd, Register of Copyrights, United States Copyright Office. The Copyright Office is an agency of the Library of Congress.

3. Defendant, Law & Technology Press, is a California corporation having an office at 1112 Ocean Drive #201, Manhattan Beach, California 90266.

4. Law & Technology Press is the owner of copyright in a periodical entitled *The Scott Report*. Law & Technology Press published nine (9) issues of *The Scott Report* in the United States from January 1982 through September 1982. Each of these issues bore copyright notice.

5. On October 20, 1982, the Register of Copyrights sent a written demand to Law & Technology Press demanding deposit of two copies of the best edition of the January 1982-September 1982 issues of *The Scott Report*. Follow-up letters indicating that the demand had not been complied with were sent on January 17, 1983 and March 1, 1983.

6. In a letter dated January 31, 1983, defendant acknowledged receipt of the written demand but stated that it would not comply.

7. To date, defendant Law & Technology Press has failed to deposit two copies of the nine issues of *The Scott Report* demanded by plaintiff.

8. According to a letter from defendant dated January 31, 1983, the subscription price for *The Scott Report* is $147.00 per year. Prorating this for nine issues yields $110.25 as the reasonable cost to the Library of Congress of acquiring one copy of the nine issues.

9. As a result of its failure to comply with the demand of the Register of Copyrights, defendant Law & Technology is liable to the following penalties:

Reasonable acquisition cost of two copies of the Jan. Sept. 1982 issues	$ 220.50
A fine of $250 for each of nine issues not deposited	$2250.00
	$2470.50

CONCLUSIONS OF LAW

1. Defendant Law & Technology Press is liable for failure to comply with the demand for deposit issued by the Register pursuant to 17 U.S.C. § 407 (d).

2. Defendant's claim that 17 U.S.C. § 407 is an unconstitutional taking of property in violation of the Fifth Amendment has no merit.

3. The requirement that a copyright owner deposit copies of its work with the Government after publication has existed for over two hundred years, entitling it to a great presumption of validity.

4. The deposit requirement was first enacted as part of the original Copyright Act of 1790 by the same men who framed the Constitution and the same Congress which proposed the first and fifth amendments for adoption. This provides a strong indication that the deposit requirement is not unconstitutional.

5. The present deposit requirement, contained in 17 U.S.C. § 407, is a valid exercise of Congress' plenary power to enact legislation relating to the grant of copyrights.

6. Defendant has failed to allege sufficient facts to show selective prosecution.

7. Since defendant Law & Technology Press has failed to establish that 17 U.S.C. § 407 is unconstitutional, it is liable for the cost of the demanded copies, plus a fine of $250 for each work demanded.

8. Judgment is hereby entered in favor of David L. Ladd, Register of Copyrights, and against Law & Technology Press for the sum of $2,470.50 plus costs and interest. Judgment is further entered in favor of plaintiff on defendant's counterclaims.

Approved: Terry J. Hatter
U.S. District Judge
2/27/85

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID L. LADD,
Register of Copyrights,
United States Copyright Office,

Plaintiff,

v.

LAW & TECHNOLOGY PRESS
1112 Ocean Drive #201
Manhattan Beach, California 90266

Defendant.

No. CV 83-6855 TJH(Tx)
JUDGMENT

FILED
FEB 27, 1984

Plaintiff Ladd's Motion For Summary Judgment having come before this Court for a hearing on February 27, 1984, and upon consideration of the memoranda and arguments presented by counsel for the parties, it is hereby

ORDERED, that judgment is entered for plaintiff David L. Ladd against defendant Law & Technology Press in the amount of $2,470.50 plus costs, with interest to be paid thereon from the date of entry of this judgment as provided by 28 U.S.C. § 1961 (1982).

IT IS FURTHER ORDERED, that judgment is entered for plaintiff on defendant's First, Second and Third counterclaims.

Date: 2/27/84

Hon. Terry J. Hatter, Jr.
United States District Court